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Amdt. dated November 21, 2008
Reply to Office Action of August 20, 2008

<center>**REMARKS/ARGUMENTS**</center>

Claims 1-3, 5-12, 14-17, 19, and 20 are pending in this Application.

Claims 1, 9-11, and 16 are currently amended. Applicants submit that support for the claim amendments and the newly added claims can be found throughout the specification and the drawings.

Claims 1-3, 5-12, 14-17, 19, and 20 remain pending in the Application after entry of this Amendment. No new matter has been entered.

In the Office Action, claims 1-3, 5, 11-12, 14, 16-17, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Non-patent literature entitled "Integrating XML and Database" (hereinafter "Bertino") in view of U.S. Patent Application Publication No. 2005/0091188 (hereafter "Pal"). Claims 6-7, 9-10, 15, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertino, in view of Pal, and in further view of U.S. Patent No. 7,346,598 (hereinafter "Arora"). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertino, in view of Pal, and in further view of U.S. Patent No. 6,856,970 (hereinafter "Campbell").

Claim Rejections Under 35 U.S. C. § 103(a)

Applicants respectfully traverse the rejections to claims 1-3, 5-12, 14-17, 19, and 20 and request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) based on Bertino in view of Pal, Arora, and Campbell. The Office Action alleges that claimed invention is directed to obvious subject matter, in that the combination of Bertino, Pal, Arora, and Campbell expressly or impliedly disclose or suggest the claimed invention. The Office Action further alleges that one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of Bertino, Pal, Arora, and Campbell.

Applicants, however, respectfully submit that a prima facie case of obviousness has not been established by the evidence presented in the Office Action. As reiterated by the Supreme Court in KSR International Co. v. Teleflex Inc. (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007), the framework for the objective analysis for determining obviousness under 35 U.S.C. §

103 is stated in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966). The factual
inquiries enunciated by the Court are as follows:

          (A) Determining the scope and content of the prior art;

          (B) Ascertaining the differences between the claimed invention and the prior art;
and

          (C) Resolving the level of ordinary skill in the pertinent art.

          To reach a proper determination under 35 U.S.C. § 103(a), the Examiner must
step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in
the art" when the invention was unknown and just before it was made. In view of all factual
information, the Examiner must then make a determination whether the claimed invention "as a
whole" would have been obvious at that time to that person. (M.P.E.P. § 2142).

          Applicants respectfully submit that Bertino, Pal, Arora, and Campbell, either
individually or in combination, fail to disclose one or more of the claim limitations recited in
each of claims 1-3, 5-12, 14-17, 19, and 20. These differences, along with other difference,
establish that the subject matter as a whole of claims 1-3, 5-12, 14-17, 19, and 20 would not have
been obvious at the time of invention to a person of ordinary skill in the art.

          For example, on page 4, the Office Action alleges that Bertino discloses the
feature of receiving user input identifying one or more elements in the unstructured data stored in
CLOB format as query elements as recited in the claims. However, Bertino fails to disclose such
a teaching. On page 86, second column, second paragraph, Bertino mere suggests that to query
XML documents, database management systems (DBMSs) extend query languages with specific
XML-based selection conditions. Bertino does not disclosure that it is user input identifying
elements in unstructured data as query elements as recited. In fact, Bertino suggests to use built-
in functions of the DBMS or standard XML-based languages to navigate inside XML documents
rather than providing the flexible or allowing a user to specify which elements of unstructured
data can be used as query elements as recited.

          Accordingly, amended claim 1, for example, recites the feature of "generating a
first graphical user interface and displaying the first graphical user interface on a display device,
the first graphical user interface configured to enable users to designate elements in the

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unstructured data as query elements." (see Application: FIGS. 10-15). As recited in amended claim 1, user input is received via the first graphical user interface identifying one or more elements in the unstructured data as query elements. Bertino does not disclose or suggest these feature rather insisting that queries be limited to functions provided by the DBMS or standard XML-based languages be used.

Pal further fails to disclose the above recited features of amended claim 1. Pal merely suggests that the XML data may be "shredded" into its basic components, termed XML nodes in Pal, and stored in the primary index. (Pal: Paragraph [0014]). Pal fails to disclose "generating a first graphical user interface and displaying the first graphical user interface on a display device, the first graphical user interface configured to enable users to designate elements in the unstructured data as query elements" and "receiving user input via the first graphical user interface identifying one or more elements in the unstructured data stored in CLOB format as query elements" as recited in amended claim 1.

Moreover, Pal was filed on Oct. 24, 2003. The Application was filed on Dec. 8th, 2003, not long after the Pal reference, and claims priority to a provisional filed Nov. 18th, 2003. Applicants' assume the Examiner is asserting the best reference in each rejection. Therefore, if necessary, Applicants' may provide evidence as appropriate to swear behind the Pal reference.

Accordingly, Applicants respectfully submit that the combination of Bertino and Pal fail to disclose each and every claim limitation as recited in amended claim 1. Therefore, Applicants respectfully submit that amended claim 1 is allowable over the cited references.

Applicants respectfully submit that independent claims 9, 11, and 16 are allowable for at least a similar rationale as discussed above for the allowability of claim 1, and others. Applicants respectfully submit that dependent claims 1-3 and 5-8, 10, 12 and 14-15, and 17 and 19-20 that depend directly and/or indirectly from the independent claims 1, 9, 11, and 16 respectively, are also allowable for at least a similar rationale as discussed above for the allowability of the independent claims. Applicants further respectfully submit that the dependent claims recite additional features that make the dependent claims allowable for additional reasons.

Unless otherwise specified, amendments to the claims are made for the purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof.

While Applicants do not necessarily agree with the prior art rejections set forth in the Office Action, these amendments may be made to expedite issuance of the Application. Applicants reserve the right to pursue claims to subject matter similar to those pending before the present Amendment in co-pending or subsequent applications.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

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